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Written statement* submitted by the Nazra for Feminist Studies, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[16 February 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Escalation in the Targeting of Women Human Rights Defenders (WHRDs) under the Current Egyptian Government

The current government of the Egyptian state continues to witness grave violations against women in the public space. Women human rights defenders (WHRDs) in Egypt continue to face impediments in their everyday activism and are neither protected nor enabled to carry out their legitimate work. Targeting WHRDs is part of continuous attempts by the current Egyptian government (similar to previous governments) to expel women from the public sphere. The documented violations committed against WHRDs include arbitrary detention, beatings, dragging, attempted strangling, sexual assault and violence in an attempt to strip women, threaten them with rape during detention, insults of a sexual nature, and all manners of degrading and inhumane treatment.

An emblematic case is that of the seven WHRDs (Ms. Sanaa Seif, Ms. Yara Sallam, Ms. Hanan Mustafa Mohamed, Ms. Salwa Mihriz, Ms. Samar Ibrahim, Ms. Nahid Sherif (known as Nahid Bebo) and Ms. Fikreya Mohamed (known as Rania El-Sheikh) arrested on 21 June 2014 for protesting peacefully against the Protest and Public Assembly Law (No. 107 issued on November 24, 2013). They were sentenced to three years imprisonment, 3 years monitoring and a fine of EGP 10,000 (USD 1398.60) by the Heliopolis Misdemeanor Court on October 26, 2014, and the Abbasia Appeal Court reduced the sentence to two years imprisonment and 2 years surveillance on December 28, 2014.

Other tactics to punish WHRDs is the issuance of travel bans, such as that issued against prominent WHRD Esraa AbdelFattah on January 13, 2015, who did not know she had a travel ban issued against her, and found out about it by coincidence when she was in the airport traveling to Germany.

The most recent case is that of WHRD Shaimaa ElSabbagh, who was killed during a peaceful protest on January 24, 2015 on the eve of the 4th anniversary of the January 25th revolution, comprising of 20 - 30 protesters commemorating the martyrs of the revolution. Ms. ElSabbagh was shot by bird pellets in the back, which led to severe bleeding in her chest cavity due to laceration of the heart and lungs, as stated in the Forensic Medicine Administration's autopsy report. Azza Soliman, WHRD, Lawyer and the Head of the Trustees Board in the Center for Egyptian Women's Legal Assistance (CEWLA), witnessed the incident and when she voluntarily went to testify at the Prosecutor's Office, she herself was turned into a suspect and charges were directed at her that include rallying and participating in a demonstration that jeopardized public security.

Moreover, on the 25th of January 2015, 80 activists were arrested, including Gamila Serry El-Din, who has been detained ever since. In addition, , a shocking lifetime imprisonment verdict and a fine of 17 Million Egyptian Pounds (USD 2,229,215.84) was issued on February 4, 2015 in the case known as the Ministerial Cabinet Case, which its incidents date back to December 16 - 20, 2011 which included the infamous "blue-bra girl" incident, where among the 230 against which the verdict was issued are 8 WHRDs, including Hend Nafe', who is a staff member at Hisham Mubarak Law Center, and the Founder of "Watan Bila Ta'zib" (A Nation Free of Torture), in addition to a female minor among 38 minors who were sentenced to 10 years imprisonment.

Another example of the increasing verdicts against WHRDs is the one issued on the 9th of February, 2015, by El Raml Misdemeanor Court in Alexandria governorate against WHRD and Lawyer Mahienour El-Massry along with other 9 activists from Alexandria to two years in prison and bail amounting to 5000 EGP (655.37USD) to suspend the verdict, over charges that include: Attacking and causing injuries to the police officers of El Raml Police Station; Breaking into the police station; Destruction of some of its contents; Disabling work flow along with terrorizing and intimidating citizens" in March 2013. Nevertheless, Ms. El-Massry is not detained.

It is also important to highlight that women's existence in the public space in general has become increasingly threatening, as 14 year-old Hala ElHebeshy was killed as a result of the attack of the security forces on Zamalek Football Club Fans by tear gas, on 8th of February, 2015, outside the Air Defense Stadium, who had went to attend a football match.

Sexual violence against women in the public space is another grave problem. A national strategy to combat violence against women has been announced but we emphasize the importance of adopting a comprehensive and holistic national strategy that includes the Ministries of Interior, Justice, Health and Education and the necessity of gender budgeting in its implementation. Meanwhile, articles relating to crimes of rape, sexual assault and harassment in the Penal Code (Articles 267, 268, 269 and 289) are currently deficient in nature and do not address the epidemic of sexual assault as well as rape, crimes that have become rampant in the Egyptian public space. It fails to address the rights of the survivors of these crimes and to protect them after reporting a crime and to ensure that it doesn't reoccur. While the Penal Code recently defined and addressed sexual harassment in the new amendment to Article 306, the amendment is insufficient in its scope and the article is limited in nature and only considers a crime sexual harassment if the intent of the perpetrator is proven to be related to obtaining sexual benefits. The government continues to fail to prosecute perpetrators of these crimes or hold them accountable, whether the perpetrator is a normal citizen, policeman or soldier. With the exception of the Tahrir mob-sexual assaults and gang rapes in June 2014 during the inauguration of President AbdelFattah ElSisi, no one has been held accountable for crimes committed since November 2012.

Accordingly, Nazra for Feminist Studies would like to make the following recommendations to the Egyptian government and the international community:

1. The Egyptian government must act in accordance with the standards of the UN Declaration on Human Rights Defenders and introduce national legislation to protect them from state and non-state actors, to recognize and enable their work.

2. The Protest and Public Assembly Law No. 107 issued in November 2013 needs to be revised, to allow the space for WHRDs to carry out their legitimate work in defending human rights, especially that this law is unconstitutional.

3. The Egyptian authorities need to take all measures to proceed with the processing of the Ittihadia Presidential Palace case in which 7 WHRDs have been sentenced as outlined above, at the Court of Cassation as quickly as possible to revoke the issued verdict.

4. The Egyptian authorities need to immediately and unconditionally revoke the travel ban issued against WHRD Esraa Abdel-Fattah, and to publicly announce the names of human rights defenders, WHRDs and activists against whom a travel ban is issued, in addition to publicly announcing the reason behind the concerned bans and the legal basis on which they are issued, and whether there are any charges directed at them or not.

5. The Egyptian government must conduct a prompt and thorough investigation to identify who shot Ms. ElSabbagh and bring the perpetrator to account; conduct an investigation into the violation of the Protest and Public Assembly Law No. 107 issued on November 24, 2013, which clearly states that security forces warn protesters before dispersing them, and that dispersal is carried out in stages starting with water hoses, followed by the use of batons if demonstration participants are unresponsive to warnings issued; demands the immediate quashing of charges directed at witnesses, such as that directed against WHRD Azza Soliman; and conduct thorough investigations for all crimes related to the killing of protesters since the uprising on January 25, 2011, through transitional justice mechanisms that would ensure accountability of real perpetrators and redress.

6. Reform the penal code to punish all forms of violence against women and ensure its implementation to ensure women's access to justice.

7. Enact a holistic and comprehensive national strategy to combat violence against women and legislation that should contain provisions for its effective implementation through gender budgeting, evaluation and monitoring, in addition to publishing it in a transparent manner and consulting feminist groups and organizations that had called for its design and issuance.

8. Investigate sexual violence violations committed against women since November 2012 and prosecute those responsible.

9. Enact legislation to mandate the regular collection of statistical data and research to ensure an adequate knowledge base for effective implementation and monitoring.

10. Call on the international community to push the Egyptian authorities to initiate a process that genuinely incorporates a transitional justice mechanism, that holds real perpetrators accountable and both recognizes the important human rights activism conducted by WHRDs, and ensures their protection.